

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on January 17, 2006 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Assistant Public Works Director Chris Hartbank, Community Coordinator Kyle Gill, Police Chief Larry Metzelaars, Fire Chief Bruce Grafton, and City Clerk Susan O’Brien.

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting January 3, 2006; Police Department report for the month of December; Fire Department report for the month of December; 2005 Annual Fire Department report; payroll and bills for the first half of January including HOME Rehab Grant Expenditures; Resolution 2006-2634, appropriating \$94,000 of Motor Fuel Tax Funds for a 2006 asphalt overlay to preserve payment on various streets including: Lafayette Avenue from 6th Street to Logan Street, Logan Street from SR – 16 to Dewitt Avenue, Broadway Avenue from Logan Street to Holiday Drive, Holiday Drive from Broadway Avenue to Richmond Avenue, and Western Avenue from 26th Street to 34th Street; Resolution 2006-2635, giving notice to the Illinois Department of Transportation of parades to be sponsored by the City of Mattoon during the 2006 calendar year, Council Decision Request 2006-558, authorizing the Fire Chief to hire a replacement employee recommended by the Board of Fire & Police Commissioners and to promote Dennis Camfield to the rank of Captain and Sean Junge to the rank of Driver/Engineer in the Fire Department to fill the vacancies that will be created upon the retirement of Fire Department Captain Steve Williams, effective January 14, 2006; Council Decision Request 2006-559, reporting bids received and authorizing a \$9,901.43 procurement from ArchiTextures Design Center of Mattoon to replace carpet floor coverings with rubber safety tile in the Police Department buildings.

Bills and Payroll for the first half of January

General Fund

Payroll	\$	227,060.93
Bills	\$	249,918.50
Total	\$	476,979.43

Hotel Tax Fund

Payroll	\$	1,384.33
Bills	\$	480.15
Total	\$	1,864.48

Festival Management

Bills	\$	4,640.48
Total	\$	4,640.48

Insurance & Tort Judgment

Bills	\$	69,398.80
Total	\$	69,398.80

Capital Project Fund

Bills	\$	700.00
	\$	700.00

Water Fund

Payroll	\$	32,128.60
Bills	\$	24,639.49
Total	\$	56,768.09

Sewer Fund

Payroll	\$	30,027.79
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Bills		\$	360,402.27
	Total	\$	390,430.06
	<u>Cemetery Fund</u>		
Payroll		\$	3,216.15
Bills		\$	7,550.56
	Total	\$	10,766.71
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	238.50
	Total	\$	238.50
	<u>Health Insurance</u>		
Bills		\$	65,168.61
	Total	\$	65,168.61



**Resolution
2006-2634**

**Resolution for Improvement by
Municipality Under the Illinois
Highway Code**

BE IT RESOLVED, by the _____ Council _____ of the
 _____ City _____ of _____ Council or President and Board of Trustees
 _____ City, Town or Village _____ Mattoon _____ Illinois

that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Lafayette Ave	FAU 7675	6 th St.	Logan Ave
Logan Ave	FAU 7700	US Rt 16	Dewitt Ave
Broadway Ave	FAU 7671	Logan Ave	Mall Entrance
Holiday Drive	FAU 7669	Broadway Ave	Richmond Ave
Western Ave	FAU 7707	26 th St.	34 th St.

BE IT FURTHER RESOLVED,
 1. That the proposed improvement shall consist of _____ Various Bituminous Patching of failed joints,
 _____ Variable thickness of Resurfacing of Bituminous Surface, Bituminous Shoulders, Edge and center line striping

_____ and shall be constructed _____ wide

and be designated as Section _____ 05-00143-00-RS _____

2. That there is hereby appropriated the (additional Yes No) sum of _____ Ninety Four Thousand Dollars
 _____ Dollars (\$94,000.00) for the
 improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by _____ Contract _____ ; and,
 _____ Specify Contract or Day Labor _____

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Authorized MFT Expenditure	I, _____ Susan J. O'Brien _____ Clerk in and for the
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Date

Department of Transportation

Regional Engineer

City _____ of _____ Mattoon
City, Town or Village
County of _____ Coles _____, hereby certify the
foregoing to be a true, perfect and complete copy of a resolution adopted
by the _____ Council
Council or President and Board of Trustees
at a meeting on _____ January 17, 2006 _____
Date
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this
17 _____ day of _____ January, 2006
(SEAL)
Clerk /s/ Susan J. O'Brien

City, Town, or Village Clerk

RESOLUTION NO. 2006-2635

**RESOLUTION REGARDING TEMPORARY CLOSING OF
STATE RIGHT-OF-WAY
ANNUAL COMMUNITY EVENTS**

WHEREAS, the City of Mattoon sponsors parades, road races, festivals and other such events which constitute a public purpose; and,

WHEREAS, many of these events are held on State rights-of-way which will require the temporary closure of said highways; and,

WHEREAS, Section 4-408 of the Illinois Highway Code, 605 ILCS 5/1-101 et seq., authorizes the State of Illinois Department of Transportation (IDOT) to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MATTOON, ILLINOIS:

SECTION 1

The City Council requests an annual permit allowing the temporary closure of State highways for the purpose of conducting various parades, road races, festivals, and other such events. By receiving an annual permit, the City will be required to notify the Department in writing approximately ten (10) days in advance of all road closures so that all emergency agencies will be notified of the proposed event.

SECTION 2

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept that anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

(B) That when a marked detour is not provided, police officers or authorized flaggers shall, at the expense of the City of Mattoon, be positioned at each end of the closed section of roadway and at other points as may be necessary to assist in directing traffic through the temporary detour.

(C) That when the roadway is closed for less than 15 minutes, police officers, at the expense of the City of Mattoon, shall stop traffic for a period not to exceed fifteen (15) minutes and an occasional break shall be made in the procession so that traffic may pass through.

SECTION 3

That the City of Mattoon, assumes full responsibility for the direction, protection and regulation of the traffic during the time of detour is in effect.

SECTION 4

That all debris shall be removed by the City of Mattoon, prior to reopening the State highway.

SECTION 5

That the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 6

That the City of Mattoon hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 7 Bureau of Operations; 400 West Wabash; Effingham, IL 62401-2699 to serve as authorization for the City of Mattoon to request highway closures through December 31, 2006.

PRESENTED and ADOPTED this 17th day of January, 2006.

/s/ Charles E. White
Charles E. White, Mayor

ATTEST: /s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion to approve the consent agenda approved by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS:

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Mrs. Aneita Trame explained the reading program "Ready to Read Across Mattoon", and introduced Mattoon Middle School students, who gave a public presentation and challenged the City to read The Graduation of Jake Moon by Barbara Park.

Captain Bill Steichmann and Mr. Joe Butler presented the City of Mattoon with a certificate acknowledging the local Shriner's Ansar Cycle Patrol contribution of money received from Mattoon parades since 1967 to the Shriner's Hospital.

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2006-560, authorizing a \$68,059.05 expenditure from the Insurance & Tort Judgment Fund in settlement of a class action lawsuit (PrimeCo V. ICC) filed against municipalities that collected infrastructure maintenance fees from wireless telecommunication customers prior to the effective date of the Illinois Simplified Telecommunications Tax.

Mayor White opened the floor for discussion. City Attorney/Treasurer Owen explained the judgment, previous State maintenance fee, and expenditure as a portion of the taxes received by the City.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Ervin moved to Approve Council Decision Request 2006-561, authorizing a \$9,905.50 amendment to an agreement with Agracel, Inc. to increase the size of the water main extensions from 8" to 10" along County Road 1000 North from 6th Street to Logan Street in anticipation of future economic development prospects that would be served by this water main.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

NEW BUSINESS:

Mayor White seconded by Commissioner Schilling moved to adopt Ordinance 2006-5214, amending Chapter 114 of the Mattoon Code of Ordinances to enable sales of liquor for catered events in a banquet hall and at other locations authorized by a permit.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2006-5214**

**AN ORDINANCE AMENDING CHAPTER 114 OF THE MATTOON CODE OF
ORDINANCES TO ENABLE SALES OF LIQUOR FOR CATERED EVENTS IN A
BANQUET HALL AND AT OTHER LOCATIONS AUTHORIZED BY A PERMIT**

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES
COUNTY, ILLINOIS, as follows:**

Section 1. Chapter 114 of the Mattoon Code of Ordinances is amended by repealing all of said Chapter and adopting in lieu thereof a new Chapter 114 as shown on Exhibit A, a copy of which is attached and incorporated by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective on its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 17th day of January, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u> <u>Commissioner McKenzie, Commissioner Schilling,</u> <u>Mayor White</u>
NAYS (Names)	<u>None</u>
ABSENT (Names)	<u>None</u>

Approved this 17th day of January, 2006

/s/ Charles E. White
City of Mattoon, Coles County, Illinois
Approved As To Form

Attest

<u>/s/ Susan J. O'Brien</u>	<u>/s/J. Preston Owen</u>
Susan J. O'Brien, City Clerk	J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 18, 2006.

EXHIBIT A

To Ordinance 2006-5214

General Provisions

- | | |
|------------------------|--|
| 114.01 | Short title |
| 114.02 | Adoption of State Liquor Control Act |
| 114.03 | Definitions |
| 114.04 | Public possession, consumption of alcoholic liquor |
| 114.05 | Publication and availability of regulations |

Licensing

- | | |
|------------------------|--|
| 114.15 | Local Liquor Control Commissioner and powers |
| 114.16 | License <u>or permit</u> required |
| 114.17 | Applications |

- [114.18](#) Application fee and conditions to granting license or permit
- [114.19](#) Bond
- [114.20](#) Grant of license or permit by Commissioner
- [114.21](#) Restriction of license or permit
- [114.22](#) Classifications of licenses and fees
 - [114.22.1](#) Caterer Retail Permit
- [114.23](#) Payment of fees; disposition
- [114.24](#) Term
- [114.25](#) Limitation of number of licenses
- [114.26](#) Record of licenses and permits
- [114.27](#) Permit for new location
- [114.28](#) Nature of license or permit; privilege of renewal
- [114.29](#) Assignment of renewal privilege
- [114.30](#) Suspension or revocation of license or permit

Sales and Operation

- [114.40](#) Restrictions on establishment, use and operation of premises
 - [114.40.1](#) License or permit to be posted
- [114.41](#) Consumption on premises
- [114.42](#) Zoning
- [114.43](#) Curb service
- [114.44](#) Peddling
- [114.45](#) Sanitary conditions
- [114.46](#) Employees; employing minors
- [114.47](#) Advertising restrictions
- [114.48](#) Sales to minors, habitual drunkards, mental incompetents
- [114.49](#) Persons under 21 years frequenting licensed establishments
- [114.50](#) Possession of alcoholic liquor by underage persons
- [114.51](#) Misstatement of age

114.52	Gambling
114.53	Closing hours
114.99	Penalty

GENERAL PROVISIONS

§ 114.01 SHORT TITLE.

This chapter shall be known, may be cited, and is hereafter designated as "The City of Mattoon Liquor Control Ordinance."

(Ord. 99-4981, passed 3-2-1999)

§ 114.02 ADOPTION OF STATE LIQUOR CONTROL ACT.

Because of the controlling nature of "An Act Relating to Alcoholic Liquors," enacted by the General Assembly of the State of Illinois, approved January 31, 1934, over and with respect to the subject matter of this chapter, and to eliminate any inconsistencies therewith, each and every part of said Act of the General Assembly commonly known and hereafter referred to as "Liquor Control Act," as the same is or may be hereafter amended, which relates in any manner to the sale at retail of alcoholic liquors, is hereby adopted and made a part of this chapter by reference thereto, to the same extent and with the sense legal effect as if fully set forth herein, and any applicable and adopted provisions of said Liquor Control Act shall be deemed a violation of this chapter and be subject to the penalties herein fixed.

(Ord. 99-4981, passed 3-2-1999)

§ 114.03 DEFINITIONS.

Unless explicitly stated below or the context otherwise requires, words and phrases are used in this chapter in the sense given them by definition contained in Section 2 of Article I of said Liquor Control Act and in Rules and Regulations of Illinois Liquor Control Commission, hereby adopted by reference thereto and made a part of this section.

CATER RETAILER. A person or business who serves alcoholic liquors for consumption as an incidental part of food service that serves prepared food items. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

DISPENSE. The opening of a sealed container of an alcoholic beverage or the placing of an alcoholic beverage into a glass, cup or other container immediately prior to or as an incident to the sale of the alcoholic beverage.

LICENSEE. Any person, firm, corporation, club or association which has a current license for the sale of alcoholic beverages issued by the City of Mattoon, Coles County, Illinois, under Chapter 114 of the City of Mattoon, Illinois Code of Ordinances.

PERMITTEE. Any person, firm, corporation, club or association which has a current permit for the sale of alcoholic beverages issued by the City of Mattoon, Coles County, Illinois, under Chapter 114 of the City of Mattoon, Illinois Code of Ordinances.

PREMISES SPECIFIED. The premises specifically described in the application and license. Only one location is permitted by each license.

RESTAURANT. Any premises, or segregated portion of a licensee's premises, which has a current license for the sale of alcoholic beverages issued by the City of Mattoon, Coles County, Illinois, under Chapter 114 of the City of Mattoon, Illinois Code of Ordinances and which, during the preceding three-month period has generated more than 50% of its sales from the sale of prepared food.

RENTAL HALL BUSINESS. A business organized in such a way that it provides a place available for rental by member of the general public. The building housing the business must be designed to accommodate a minimum of 250 persons safely. Such a business is typified by wedding celebrations, parties, or dances by private clubs or individuals. In this type of business, the lessor or licensee is paid a fee by the lessee for use of the hall and for providing alcoholic liquor.

SERVE. The delivery of a prepared alcoholic beverage to a customer of the licensee.

SPECIAL EVENT. A "charity benefit", wedding reception, anniversary reception, or other such event during which a particular organization, person, or family has contracted with the licensee for the licensee's premises or a specifically segregated portion of his or

her premises, to be available exclusively for the special event to the exclusion of the general public.

SPECIFICALLY SEGREGATED. A portion of a licensee's premises separated from the remainder of the licensee's premises by physical barricades, ropes, walls, or other devices which are effective to prevent persons attending the special event from frequenting the balance of the licensee's premises and persons frequenting the balance of the licensee's premises from moving freely into the area segregated for the special event.

(Ord. 99-4981, passed 3-2-1999; Am. Ord. 2004-5193, passed 10-5-2004)

§ 114.04 PUBLIC POSSESSION, CONSUMPTION OF ALCOHOLIC LIQUOR.

(A) *Public Possession.* It shall be unlawful for any person to carry or possess any alcoholic liquor other than in the original package with the seal unbroken on any public street, parkway, park, public or private school grounds or public place whatsoever.

(B) *Public Consumption of Alcoholic Liquor.* It shall be unlawful to drink any alcoholic liquor on any public street, parkway, park, public or private school grounds or public place whatsoever.

(Ord. 99-4981, passed 3-2-1999) [Penalty, see § 114.99](#)

§ 114.05 PUBLICATION AND AVAILABILITY OF REGULATIONS.

This chapter shall be published in book or pamphlet form. The City Clerk hereby is authorized by the City Council to make such publication, and have printed not less than 100 copies of the same, three of which shall at all times be kept on file in the office of the City Clerk and be available for public use and examination in the Clerk's office.

(Ord. 99-4981, passed 3-2-1999)

LICENSES & PERMITS

§ 114.15 LOCAL LIQUOR CONTROL COMMISSIONER AND POWERS.

(A) The Mayor shall be the Local Liquor Control Commissioner and shall have the powers, functions and duties conferred and imposed by applicable provisions of Sections 2, 3, 4 and 5 of Article IV of the Liquor Control Act, Section 20 of Article VI, and of other applicable provisions of said Liquor Control Act, hereby adopted by reference thereto and made a part of this section.

(B) The phrase "provisions of this Act," as used in said Section 3, Article IV of the Liquor Control Act, shall be construed to include provisions of this chapter.

(Ord. 99-4981, passed 3-2-1999)

§ 114.16 LICENSE OR PERMIT REQUIRED.

(A) It shall be unlawful for any person, either by himself, herself, or agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell, display, or offer for sale at retail in the city any alcoholic liquor, without first having obtained a license or permit so to do as hereinafter provided, and it shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquor, in violation of the terms and conditions of such license or permit.

(B) The word "person," as used in this section, means any individual, partnership, club, association or corporation.

(Ord. 99-4981, passed 3-2-1999)

§ 114.17 APPLICATIONS.

Applications for a license or permit shall be made in writing to the Local Liquor Control Commissioner, signed by the applicant, if an individual; by all partners, if a partnership; or by a duly authorized officer thereof, if a club or corporation; verified by affidavit, and shall be submitted and filed with the Local Liquor Control Commissioner, and shall contain the following information and statements:

(A) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share

in the profits thereof; and in the case of a corporation; for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his or her nominees, the name and address of such person;

(B) The citizenship of the applicant, his or her place of birth and if a naturalized citizen, the time and place of his or her naturalization;

(C) The character of business of the applicant; and in case of a corporation, the objects for which it was formed;

(D) The length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;

(E) The amount of goods, wares and merchandise on hand at the time application is made;

(F) The location and description of the premises or place of business which is to be operated under such license, and that the licensee owns said premises or has a lease thereon for the full term for which the license is requested. In the event the applicant has a lease for the premises, a photostatic copy of the lease shall be attached to the application;

(G) A statement whether applicant has made similar application for a similar other license or permit on premises other than described in this application, and the disposition of such application;

(H) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license or permit by reason of any matter or thing contained in this chapter, the laws of this state, or the ordinances of this city.

(I) Whether a previous license or permit by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore;

(J) A statement of the length of time the applicant has resided in the city and in the State of Illinois prior to the submission of the application;

(K) A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any ordinance of the city, in the conduct of his or her place of business.

(L) In addition to the foregoing information, such application shall contain such other and further information as the Local Liquor Control Commissioner may by rule or regulation, not inconsistent with law, prescribe.

(Ord. 99-4981, passed 3-2-1999)

§ 114.18 APPLICATION FEE AND CONDITIONS TO GRANTING LICENSE OR PERMIT.

(A) For a new liquor license or permit (with exception of a class "T" license), an applicant shall deliver, along with a completed application, a non-refundable fee in the amount of \$100. If the application is approved, the fee will be credited toward the cost of the license.

(B) Applications are valid for a period of six months from the date they are filed with the City Clerk. If the applicant is unable to meet the license or permit requirements within the application period, the application fee is forfeited and a new application must be completed (with a new application fee) before the applicant will be reconsidered for a liquor license or permit. Allowance is made for special circumstances, however. If the applicant can show evidence that the six-month limit is a hardship and if they contact the Local Liquor Control Commissioner within the initial six-month application period, they can be granted, in writing by the Local Liquor Control Commissioner, an extension of not more than six additional months.

(C) Renewals are not subject to the six-month application period and are not required to submit the \$100 application fee.

(D) Before a new liquor license or permit may be issued, the following requirements must be met:

(1) A valid, signed application must be completed and filed with the City Clerk.

(2) An application fee of \$100 must be remitted (for all except "T" class).

(3) Applicant must complete the waiver for background check and personal history form.

(4) The background check must not reveal any history that would not allow the applicant to hold a liquor license or permit in the

city.

- (5) Applicant must own a business that is open to the public, a business that is preparing to open to the public, or provide a letter of intent of a business opening and show significant progress toward that opening.
- (6) Provide a license and permit bond in the amount of \$500 payable to the city.
- (7) Provide proof of ownership/control of the property in the form of a purchase contract or lease agreement.
- (8) Any valid license for the property that has been issued to another license holder must be surrendered.
- (9) All fees for the license or permit must be paid according to the conditions stated herein.

(Ord. 99-4981, passed 3-2-1999)

§ 114.19 BOND.

Each and every applicant for a license or permit shall simultaneously with the application therefore, and prior to the issuance thereof, execute and deliver a bond in the penal sum of \$500 to the city as obligees, conditioned for the faithful performance of all of the provisions of this chapter, and all amendments thereto, and the payment of all fines and penalties by reason of the violation, hereof, with security to be approved by the Local Liquor Control Commissioner of the city. The maximum liability of any and all sureties on the bond shall be limited to the sum of \$500.

(Ord. 99-4981, passed 3-2-1999)

§ 114.20 GRANT OF LICENSE OR PERMIT BY COMMISSIONER.

Subject to the limitations and restrictions herein set forth and all other lawful limitations and restrictions, the Local Liquor Control Commissioner may from time to time grant licenses or permits for the retail sale of alcoholic liquor within the corporate limits of the city to the person required to obtain a license or permit under § 114.16 hereof and eligible to hold a license or permit under this chapter, provided, however, that proper and prescribed application therefore be made in writing and be supported by sufficient evidence to satisfy the Local Liquor Control Commissioner of the eligibility of applicant to hold a license or permit .

(Ord. 99-4981, passed 3-2-1999)

§ 114.21 RESTRICTION OF LICENSE.

No license or permit shall be issued to any such person declared to be ineligible to license or permit under the applicable provisions of Sections 2, 8, 8a or 21 of Article VI of said Liquor Control Act of the State of Illinois, hereby adopted by reference thereto and made a part of this section.

(Ord. 99-4981, passed 3-2-1999)

§ 114.22 CLASSIFICATIONS OF LICENSES AND FEES.

Such licenses shall be and hereby are divided into six major classifications:

(A) Class A licenses as follows:

(1) Class A license shall authorize the sale of alcoholic liquor at retail in original package forms or by the drink on the premises specified, for consumption on or off said premises. Sales in original package form shall be secondary to sales for consumption on the premises of the licensee and shall not for any 30-day period exceed 50% of the total sales of alcoholic beverages for the licensed establishment. The annual fee for such license shall be \$1,200.

(2) Not more than 17 such licenses shall be issued and outstanding. No such license shall issue to a hotel, restaurant or bowling alley. In the event that a licensee holding a Class A license applies for and is issued a Class R license at any time after the effective date of this chapter for the same premises for which the Class A license was issued, the total number of Class A licenses authorized to be issued and outstanding shall be reduced accordingly.

(3) All licensees holding a Class A license on the effective date of this chapter, who could qualify for a Class R license shall have the option of continuing as a Class A license, or as a Class R license, provided that all other requirements to be a licensee are met.

(B) Class B licenses as follows:

(1) Class B-1 license shall authorize the sale of alcoholic liquor at retail in original package forms on the premises specified, but not for consumption on the premises where sold. The annual fee for such license shall be \$1,000. Not more than four such licenses shall be issued and outstanding.

(2) Class B-2 license shall authorize the sale of alcoholic liquor at retail by a hotel or bowling alley, for consumption on the premises specified where sold. The annual fee for such license shall be \$1,200. Not more than five such licenses shall be issued and outstanding.

(C) Class C licenses shall authorize the sale of alcoholic liquor at retail by the drink by a club for consumption on the premises where sold. A Class C license shall be issued only to a club, and applicant therefore must have the qualifications as provided by the laws of the state and this chapter relating to alcoholic liquors. The annual license fee for clubs shall be \$500.

(D) Class D licenses as follows:

(1) Class D-1 license shall authorize the retail sale of beer and wine, only, upon the licensed premises to the general public for consumption in an enclosed structure on the premises only. The principal business of the license shall be the service of food. The licensed premises shall seat not less than 25 customers at any one time. The annual fee for such license shall be \$500. Not more than nine such licenses shall be issued and outstanding.

(2) Class D-2 licenses shall authorize the retail sale of beer and wine, only, upon the licensed premises in original packaged forms, but not for consumption on the premises where sold. The principal business of the licensee shall be a retail sale of groceries and/or convenience store items. The annual fee for such license shall be \$750. Not more than 17 such licenses shall be issued and outstanding. In the event that one or more such licenses be not issued for three consecutive months, then the maximum number of such licenses shall be 16.

(E) Class R licenses as follows:

(1) A Class R license shall authorize the sale of alcoholic liquor by the drink on the premises specified, for consumption on the premises. The principal business of the licensee shall be the business of conducting a "restaurant." The annual fee for such license shall be \$1,200. The number of such licenses to be issued is not limited.

(2) The Local Liquor Control Commissioner may require the applicant for a Class R license or a licensee with a Class R license to submit reasonable proof, from time to time, that the licensee is in fact operating a restaurant, as defined in this chapter.

(F) Class T licenses shall authorize the retail sale of alcoholic liquor at a picnic, outing, festival or other such special occasion, including, but not limited to "special events" as defined in this chapter, for consumption on the premises or within an area specifically designated in such licenses. Class T licenses shall be designated as Class T-1 or T-2 and shall be issued as follows:

(1) Class T-1 license may be issued to civic, service, charitable or other not-for-profit organizations. The provision that alcoholic liquor may not be consumed on public property shall not apply to such premises designated in the area specifically designated for the Class T-1 license; provided, however, that no alcoholic beverage may be sold or consumed in an area within ten feet of any public street open to vehicular traffic. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the city as an additional insured. The time and days of operation shall be specifically requested in the application and shall be specifically provided for in the T-1 license and the licensee shall not sell alcoholic beverages at any other times except for those provided and allowed in the T-1 license.

(2) A Class T-2 license may be issued to licensees holding other classifications of licenses for premises which the licensee otherwise owns or has a right to use and which is contiguous to and which extends no further than 100 feet from the business premises for which the licensee holds an existing license. The provision that alcoholic liquor may not be consumed on public property shall not apply to such premises designated in the area specifically designated for the Class T-2 license; provided, however, that no alcoholic beverage may be sold or consumed in an area within ten feet of any public street open to vehicular traffic. A licensee holding an event on public property shall provide a certificate of general liability insurance with combined single limits of not less than \$1,000,000 along with the required certificate of dram shop insurance. Each such certificate of insurance shall show the city as an additional insured. The license fee for a Class T-2 license shall be in the amount of \$100 for each 24-hour period or fraction thereof.

(3) A Class T-1 license shall be issued for a specific period of time not to exceed three consecutive days. A Class T-2 license shall be issued for a specific period of time not to exceed 24 consecutive hours.

(4) No applicant or licensee shall be issued more than one Class T-1 or one Class T-2 license in any one calendar year.

(5) A Class T license, if issued, shall not in any manner be regarded as to relieve the license holder from complying with all other requirements of law.

(6) When a picnic, outing, festival or other similar special event is held out of doors pursuant to any category of Class T license, the license holder shall:

- (a) Use only paper or plastic products to serve alcoholic liquor or food;
- (b) Provide fencing or a barricade with at least two means of ingress and egress around the area designated in the license;
- (c) Monitor each means of ingress and egress so as to provide adequate crowd control;
- (d) Prevent alcoholic liquor from being removed from the designated area by patrons, invitees or customers of the licensee;
- (e) Remove as quickly as feasible, and not longer than 24 hours after the ending time of the event, all refuse, litter, debris, garbage and the like from the property used for the event in the abutting public right-of-way. Failure to comply with this division (e) may be deemed a public nuisance and the licensee prosecuted under applicable provisions of the City of Mattoon, Illinois Code of Ordinances relating to public nuisances. Failure to comply with this division (e) may preclude the issuance of Class T licenses to the licensee at any time in the future and shall be considered by the Local Liquor Control Commissioner in determining whether the Local Liquor Commissioner should issue subsequent Class T licenses.

(G) Class H license shall authorize the licensee to sell alcoholic liquor at retail, by the drink or pitcher only, for consumption on the premises only, in the course of a rental hall business. In the course of this business, the licensee is totally responsible for control of patron in the business premises and the licensee's employees must dispense all alcoholic liquor. At all times that the premises are used for the sale of alcoholic liquor, the licensee or a manager acting for the licensee must be on the premises. The annual fee for such license shall be \$1,000.

(Ord. 99-4981, passed 3-2-1999; Am. Ord. 99-4995, passed 8-17-1999; Am. Ord. 99-5009, passed 12-7-1999; Am. Ord. 2002-5100, passed 2-5-2002)

§ 114.22.1 CATERER RETAIL PERMIT.

(A) Upon approval of application and payment of application fees as set forth in Sections 114.17 & 114.18, a Caterer Retail Permit shall be issued to a caterer retailer, as defined by Section 114.03 of this Code and shall allow the permit holder to serve alcoholic liquors as an incidental part of a food service that serves prepared food items. The issuance of the Caterer Retail Permit shall be subject to the following conditions:

(1) All restrictions contained in Section 114.17 shall apply to all Caterer Retail Permit applications with the exception of subsection 114.17 (F) of this Code.

(2) All application procedures contained in Section 114.18 shall apply for an applicant for a Caterer Retail Permit with the exception of subsections 114.18 (D) (7) & (8) of this Code.

(3) All applicants for a Caterer Retail Permit shall comply with the requirement for a bond as contained in Section 114.19 of this Code.

(4) All holders of Caterer Retail Permit may renew their permits pursuant to the terms and conditions of Section 114.28 of this Code.

(5) All caterer retailers shall provide a written list of catered events, including the location and hours, no less than 10 working days prior to the catered event on a form provided by the Local Liquor Control Commissioner.

(6) All applicants shall submit proof of dram shop insurance with their completed application.

(7) No holder of a Caterer Retail Permit shall sell, offer for sale or dispense any alcoholic liquor during the following hours:

Monday through Saturday 1:00 a.m. until 6:00 a.m.

Sunday 1:00 a.m. until 12:00 noon.

(B) A copy of the Caterer Retail Permit shall be displayed in accordance with Section 114.31.

(C) The annual fee for a Caterer Retail Permit shall be \$500.00.

(D) Each Caterer Retail Permit shall be for a period of one year, or otherwise is determined by this chapter by suspension or revocation, and shall commence on July 1 and terminate on June 30.

§ 114.23 PAYMENT OF FEES; DISPOSITION.

(A) All license and permit fees except Class T-2 license may be paid in two installments of 50% each. The first installment to be paid on or before the first day of July and the second installment to be paid on or before the first day of January of the following year. In the event that a payment is made after the due date for such payment, a penalty in the amount of 10% of the amount due shall be assessed if paid during the first 30 days after the due date. If the payment due is not paid within 30 days after the applicable due date, the Local Liquor Control Commissioner shall hold a hearing to determine whether such license or permit shall be renewed. The hearing shall be pursuant to notice and the cost of the hearing shall be assessed against the licensee or permittee.

(B) All such application fees paid to the Local Liquor Control Commissioner at the time application is made shall be forthwith turned over to the City Treasurer. If the license or permit is granted, then the additional license or permit fee shall also be turned over to the City Treasurer to be deposited in the general corporate fund, or in such other fund as shall have been designated by the City Council by proper action of that body.

(Ord. 99-4981, passed 3-2-1999; Am. Ord. 2002-5140, passed 9-17-2002)

§ 114.24 TERM.

Each such license or permit shall terminate at the end of the semi-annual period of the calendar year next following its issuance, unless sooner revoked. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the semi-annual period prior to the issuance of the license or permit.

(Ord. 99-4981, passed 3-2-1999)

§ 114.25 LIMITATION OF NUMBER OF LICENSES.

So that the health, safety and general welfare of the people of the City of Mattoon shall be protected and persons under 21 years of age shall be prevented from purchasing alcoholic liquors, and temperance in the consumption of alcoholic liquors shall be fostered and promoted, all lawful licenses of any class issued and in force on and after the effective, date of this chapter shall be renewed or re-issued upon strict compliance with the laws and ordinances in force in the city at the time of the application for such renewal or re-issue but no new licenses of Classes "A" or "B" shall be issued under the provisions of this chapter as to any new location so as to increase the total number thereof in force within the corporate limits of the city in excess of the number specified in § 114.21 hereof. Provided, however, that such limitation shall not affect the right of a licensee to a renewal of such license, nor shall it affect the right of any owner or lessee of a licensed location to procure a license, nor shall it affect the right of the surviving spouse or children of a deceased licensee to procure a license for the location of the deceased licensee in continuance of deceased's business.

(Ord. 99-4981, passed 3-2-1999)

§ 114.26 RECORD OF LICENSES OR PERMITS.

The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses or permits issued by him or her, and shall furnish the City Clerk a copy thereof. Upon the issuance of any new license, or the revocation of any old license, or the suspension of any license, the Local Liquor Control Commissioner shall give written notice thereof to the City Clerk within 48 hours of such action, and shall keep such record and give such notice as required by the Liquor Control Act hereby adopted by reference thereto and made a part of this section.

(Ord. 99-4981, passed 3-2-1999)

§ 114.27 PERMIT FOR NEW LOCATION.

The location described in the license and application may be changed only upon a written permit to make such change issued by the Local Liquor Control Commissioner, and only then if the proposed new location is a proper one for the retail sale of alcoholic liquor under the ordinances of the city and the laws of the State of Illinois. Such permit fee shall be \$25.

(Ord. 99-4981, passed 3-2-1999)

§ 114.28 NATURE OF LICENSE OR PERMIT; PRIVILEGE OF RENEWAL.

(A) A license or permit issued under this chapter shall be good for a period of not to exceed the end of the semi-annual period of the calendar year next following its issuance, unless sooner revoked as herein provided, and shall permit the sale of alcoholic liquor on or in the premises described in the application, license or permit, and only under the conditions and restrictions imposed in this chapter on the particular class of license or permit described herein.

(B) A license or permit issued under this chapter shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license or permit shall not descend by the laws of estate or intestate devolution, but shall cease upon the death of the licensee or permittee; provided, that executors or administrators of the estate of any deceased licensee or permittee and the trustee of any insolvent or bankrupt licensee or permittee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee or permittee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of the license or permit, but no longer than six months after the death, bankruptcy or insolvency of such licensee or permittee. Upon the death of a licensee or permittee, if the executor or administrator does not continue the business under such license or permit, there shall be a refund made of that portion of the license or permit fee paid for any period in which the executor or administrator may not operate.

(C) There shall be no refund of any license or permit fee paid hereunder except as above provided, but any licensee or permittee hereunder shall have and be given the right to a renewal or reissue of such license at the same place upon compliance with the ordinances now in force in the city, or which may hereafter be enacted, governing the issuance of such licenses, and provided that the renewal privilege herein provided for shall not be construed as a fixed right which shall in any case prevent the City Council from decreasing the number of licenses to be issued within its jurisdiction.

(Ord. 99-4981, passed 3-2-1999)

§ 114.29 ASSIGNMENT OF RENEWAL PRIVILEGE.

(A) A licensee or permittee hereunder may assign or convey the privilege or right of renewal or re-issue of a license or permit provided for herein to another person, firm or corporation, in accordance with the procedure hereinafter set forth, who, upon full compliance with the ordinances then in force in the city, governing the issuance of such licenses or permits, shall be entitled to a renewal or re-issue of such license or permit in his, her, their, or its own name, and which holder of a license or permit, in turn, may assign or convey such privilege or right to renewal or re-issue of such license or permit upon the same terms and conditions as the original owner and holder thereof could do hereunder; provided, however, that the privilege or right of renewal, and re-issue provided in this chapter shall apply only so long as the license or permit in each case shall have been kept in force continually add uninterruptedly in the name of the licensee, permit or his or her successor in interest, and nothing herein provided shall be deemed to restrict the right of the Local Liquor Control Commissioner to revoke any such license or permit.

(B) All such assignments shall be in writing, signed by the licensee or permit, and shall be filed with the Local Liquor Control Commissioner of the city, who shall keep, or cause to be kept, a true and complete record of all such assignments. Upon the filing of any such assignment, the Local Liquor Control Commissioner shall endorse thereon the time of filing, and upon compliance by the assignee with all the laws and ordinances then in force in the city pertaining to the qualifications of an applicant for such license or permit and the surrender of the old license or permit for cancellation, there shall (unless the old license or permit shall have been revoked add not thereafter restored) be issued to the assignee named in such assignment, a license or permit for the same place as that specified in the old license or permit, in lieu of the one so surrendered, for the unexpired portion of the period covered by the license or permit so surrendered; upon condition, however, that such new license or permit shall be issued only upon the payment of a fee to the issuing officer of \$25.

(C) If a licensed or permitted business suspends operation, the licensee or permittee has 30 days in which to notify the Local Liquor Control Commissioner of their intent. If the Local Liquor Control Commissioner is not contacted within 30 days from the close of business, the liquor license or permit held at that address may be voided and surrendered to the City Clerk at the discretion of the Local Liquor Control Commissioner. After being contacted by the licensee or permittee, the Local Liquor Control Commissioner may extend the validity of the license or permit, in writing, for a reasonable period not to exceed six months.

(Ord. 99-4981, passed 3-2-1999)

§ 114.30 SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.

The Local Liquor Control Commissioner may revoke or suspend any license or permit for the sale of alcoholic liquor at retail for any violation of any provision of this chapter, or other valid ordinances or resolutions enacted by the City Council, or any applicable rule or regulation established by the Local Liquor Control Commissioner which is not inconsistent with law, or for any violation of any state law pertaining to the sale of alcoholic liquor, or any applicable rule or regulation established by the Illinois Liquor Control Commission which is not inconsistent with law, according to the power and manner provided by Sections 5 and 6 of Article VII of the Liquor Control Act of the State of Illinois; and such revocation or suspension may be in addition to any fine or penalty imposed for the violation.

(Ord. 99-4981, passed 3-2-1999)

SALES AND OPERATION

§ 114.40 RESTRICTIONS ON ESTABLISHMENT, USE AND OPERATION OF PREMISES.

It shall be unlawful to establish, maintain, use or operate the licensed premises contrary to or in violation of license granted or contrary to or in violation of the prohibitions, impositions and requirements of Sections 8, 8a, 9, 10, 12b, 18, 20, 21 or 22 of Article VI of said Liquor Control Act of the State of Illinois, or of other applicable provisions thereof, hereby adopted by reference thereto and made a part of this section.

(Ord. 99-4981, passed 3-2-1999)

§ 114.40.1 LICENSE OR PERMIT TO BE POSTED.

Every license or permit issued under the provisions of this Code shall be framed and hung in plain view in a conspicuous place on the licensed premises or at the catered event and the same shall be visible to customers.

§ 114.41 CONSUMPTION ON PREMISES.

It shall be unlawful for anyone not having a Caterer Retail Permit, Class A, Class B-2, Class C, Class D-1, Class R, Class H or Class T license to sell, or offer for sale, alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

(Ord. 99-4981, passed 3-2-1999)

§ 114.42 ZONING.

Nothing herein contained shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms and provisions of zoning ordinances of the city.

(Ord. 99-4981, passed 3-2-1999)

§ 114.43 CURB SERVICE.

No curb service for the sale of alcoholic liquor shall be carried on in connection with premises for which a license has been granted for the sale of alcoholic liquor for consumption upon the premises, either upon the public street, or private property, contiguous to such premises so licensed.

(Ord. 99-4981, passed 3-2-1999)

§ 114.44 PEDDLING.

It shall be unlawful to peddle alcoholic liquor within the corporate limits of the city.

(Ord. 99-4981, passed 3-2-1999)

§ 114.45 SANITARY CONDITIONS.

All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of the premises used for the storage or sale of food for human consumption.

(Ord. 99-4981, passed 3-2-1999)

§ 114.46 EMPLOYEES; EMPLOYING MINORS.

(A) It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of any contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with, or a carrier of any such disease, to work in, or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor; provided, the Coles County Health Department may require such employee to submit to a physical examination, if such officer suspects such employee of being afflicted as herein set forth.

(B) (1) With the exception of division (B)(2) hereof, it shall be unlawful and a violation of this chapter for any licensee or permittee to allow or to employ any person under the age of 21 years to dispense or sell alcoholic liquor in any place licensed under this chapter.

(2) It shall be unlawful and a violation of this chapter for any licensee or permittee to employ or permit any person, under the age of 18 years, to serve any alcoholic liquor or beverage. This division (2) is limited to Caterer Retail Permit, Class R, Class D-1, Class D-2 and Class H licensees.

(Ord. 99-4981, passed 3-2-1999)

§ 114.47 ADVERTISING RESTRICTIONS.

No licensee shall advertise any alcoholic liquor by means of a sign or lights in any form hanging over or on any public street, sidewalk, or other public property, within the city, provided that this section shall not apply to existing installations.

(Ord. 99-4981, passed 3-2-1999)

§ 114.48 SALES TO MINORS, HABITUAL DRUNKARDS, MENTAL INCOMPETENTS.

It shall be unlawful for any licensee or permittee, or any officer, associate, members, representative, agent or employee of any licensee or permittee to sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or person in need of mental treatment. Any person, after purchasing or otherwise obtaining alcoholic liquor, shall not sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in performance of a religious ceremony.

(Ord. 99-4981, passed 3-2-1999)

§ 114.49 PERSONS UNDER 21 YEARS FREQUENTING LICENSED ESTABLISHMENTS.

It shall be unlawful and a violation of this chapter for any licensee to permit or allow any person under the age of 21 years to frequent any premises licensed under the city Code of Ordinances, with the following exceptions:

(A) Persons under the age of 21 years may frequent the dining room or dining rooms of a restaurant of any licensed establishment provided said individual is in said establishment for the purpose of purchasing prepared food.

(B) Persons under the age of 21 years may frequent licensed establishments, or that portion of a licensed establishment specifically segregated, for the purpose of attending special events when such attendance is denied to the general public and when that person is accompanied by a parent, legal guardian, or other person over the age of 21 years.

(Ord. 99-4981, passed 3-2-1999)

§ 114.50 POSSESSION OF ALCOHOLIC LIQUOR BY UNDERAGE PERSONS.

It shall be unlawful and a violation of this chapter for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(Ord. 99-4981, passed 3-2-1999) [Penalty, see § 114.99](#)

§ 114.51 MISSTATEMENT OF AGE.

It shall be unlawful and a violation of this chapter for any person under the age of 21 years to represent that he or she is of sufficient age for the purpose of gaining entrance to any licensed premises in violation of this chapter or for the purpose of acquiring by purchase, gift or delivery of alcoholic liquor in violation of this chapter. No person shall transfer, alter or deface an official identification card; carry or use a false or forged identification card; obtain an identification card by means of false information; or, use the identification card of another for the purpose of avoiding the age restrictions of this chapter.

(Ord. 99-4981, passed 3-2-1999)

§ 114.52 GAMBLING.

It shall be unlawful for any licensee hereunder to permit or allow anyone to play for money, or other valuable thing, at any game with cards, dice or chips, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing or article of value, or to bet on any game others may be playing, upon any premises licensed under this chapter.

(Ord. 99-4981, passed 3-2-1999)

§ 114.53 CLOSING HOURS.

(A) It shall be unlawful to sell or offer for sale at retail, any alcoholic liquor in the city between the hours of 1:00 a.m. and 6:00 a.m. of any day except Sunday, when it shall be unlawful to sell or offer for sale, any alcoholic liquor from 1:00 a.m. on Sunday morning until 12:00 noon on the same Sunday.

(B) It shall be unlawful to keep open for business, or admit the public to any licensed premises where alcoholic liquor is sold at retail, during the hours the sale of such liquor is prohibited; provided, however, that in the case of restaurants, grocery stores, clubs and hotels, hall rental businesses and other separate business conducted on said premises, such establishment may be kept open during such hours, but no alcoholic liquor may be sold during said hours.

(Ord. 99-4981, passed 3-2-1999)

§ 114.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$25 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 99-4981, passed 3-2-1999)

Mayor White opened the floor for discussion. Mayor White stated the City had the need for a banquet hall permit, which allowed for prepared food to be brought into a banquet hall, and discussed the fees.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Schilling moved to approve Council Decision Request 2006-562, reporting proposals received and authorizing an engagement of West & Company LLC for the independent audit of the City's financial statements for a three year term. The annual fee for the anticipated scope of services would be \$46,000 in the first year, \$46,900 in the second year and \$47,900 in the third year.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, NAY Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 7:17 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); the price for sale or lease of property (5 ILCS 120(2)(c)(6)); or

litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)): discussion about the process and schedule for interviewing three persons who have emerged as leading candidates for the successor city administrator position; inquiry whether the City Council would be willing to vacate certain streets where there have been requests of adjacent property owners and there appears to be no public necessity for continued roadway maintenance; proposed employment agreement with Public Works Director David Wortman for a term expiring April 30, 2009, the term of the mayor; review minutes of closed sessions for potential public disclosure.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened from closed session at 8:45 p.m.

Commissioner Cline seconded by Commissioner McKenzie moved to accept the contract of Public Works Director David Wortman for a term expiring April 30, 2009.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to approve Council Decision Request 2006-563, authorizing release of all Executive Session minutes from May 3, 1991 through December 20, 2005, except for May 3, 16, 23, 1991; May 19, 1992; July 16, 2002; August 8, 2002; March 18, 2003; April 1, 2003; September 2, 2003; January 20, 2004; March 2, 16, 2004; June 15, 2004; July 7, 2004; August 3, 17, 2004; September 7, 2004; October 19, 2004; December 21, 2004; January 18, 2005; March 1, 15, 2005; April 5, 19, 2005; May 3, 2005; June 7, 21, 2005; July 6, 19, 2005; August 2, 2005; September 6, 2005; October 4, 18, 2005; November 1, 15, 29, 2005, and December 6, 20, 2005; and approve the destruction of Executive Session verbatim records that have been approved for release in written form as follows: January 6, 2004; February 3, 2004; April 6, 20, 2004; May 4, 18, 2004; and June 1, 2004.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adjourn at 8:47 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk

The City Council of the City of Mattoon held a special meeting at the Mattoon Golf & Country Club located at 6700 North Country Club Road, Mattoon, Illinois on January 24, 2006 at 5:22 p.m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Mayor White introduced Mr. Alan Gilmore, a leading candidate for the successor city administrator position, to those in attendance.

There was an open meeting with public reception for candidate for the city administrator from 5:00 p.m. to 7:00 p.m. followed by an open Council dinner with candidate from 7:00 p.m. to 9:00 p.m.

Mayor White seconded by Commissioner McKenzie moved to recess the meeting at 8:24 p.m. until 12:00 Noon on January 25, 2006 in the City Hall Council Chambers.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White reconvened the meeting on January 25, 2006 in the City Hall Council Chambers at 12:03 p.m.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 12:04 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance, or dismissal of employees of the municipality (5 ILCS 120 (2)(c)(1)): interview leading candidate, Alan Gilmore, for the successor city administrator position.

Council reconvened from closed session at 12:58 p.m.

Mayor White seconded by Commissioner Schilling moved to adjourn at 12:58 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk

The City Council of the City of Mattoon held a special meeting in the City Hall Council Chambers on January 26, 2006 at 12:07 p.m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Mayor White introduced Mr. Ronald R. Neibert, a leading candidate for the successor city administrator position.

Mayor White seconded by Commissioner Cline moved to recess to closed session at 12:08 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120 (2)(c)(1)): interview leading candidate, Ronald R. Neibert, for the successor city administrator position.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White reconvened the meeting from closed session at 12:55 p.m.

Mayor White seconded by Commissioner Schilling moved to recess at 12:55 p.m. to Cody's Road House located at 1320 Broadway Avenue East, Mattoon, Illinois at 5:00 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White reconvened the meeting at 5:14 p.m. at Cody's Road House.

The following members of the Council answered roll call: YEA Commissioner David Cline, Absent Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

There was an open meeting with public reception for the candidate for the city administrator from 5:00 p.m. to 7:00 p.m. followed by an open Council dinner with candidate from 7:00 p.m. to 9:00 p.m. Commissioner Ervin arrived at 5:18 p.m.

Mayor White seconded by Commissioner Schilling moved to adjourn at 8:16 p.m.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

/s/ Susan J. O'Brien
City Clerk